

Remarks

Reconsideration of this Application is respectfully requested.

Claims 1-16 are pending in the application, with claims 1 and 16 being the independent claims.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned “**Version with markings to show changes made.**”

Based on the above Amendment and the following Remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

The indication in item 4 that claim 12 contains allowable subject matter is gratefully noted. New claim 16 corresponds to claim 12 rewritten in independent form, including the subject matter of intervening claims 9-11.

Claims 1-5, 9, 10 and 15 stand rejected under 35 U.S.C. §102(b) as being anticipated by Applicant's Admitted Prior Art (“AAPA”). The Examiner correctly notes in the rejection that page 5 of Applicants disclosure stated that the walls have linings of a tungsten carbide material. Although Applicants do not agree that a tungsten carbide material is necessarily a ceramic, it is noted that this statement in the specification is a translation error from the priority document. (see page 2, line 12 of the priority document - “Wolframkarbid/Kobalt”) Page 5 of the present specification has been amended to correct the error. It is also noted that present application

incorporates the German priority application by reference. If necessary, Applicants can provide the Examiner a statement by a translator verifying the accuracy of the corrected translation.

As discussed above, page 5 of the present specification states that the walls are lined with a tungsten carbide/cobalt material. It is respectfully submitted that this material is not a ceramic. Thus, the recitation in claim 1 of walls of a “ceramic material” distinguishes over the AAPA. Accordingly, claim 1 is allowable over the AAPA.

Claims 2-5, 9, 10 and 15 depend from claim 1 and are allowable as depending from an allowable claim.

Claims 1-10 and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over GB 629,853. Claim 1 has been amended to further distinguish over GB 629,853. Particularly, claim 1 recites that the duct defining the path walls directly contacts the flowable tobacco material. In contrast, the ceramic inset 1 of GB 629,853 forms a groove to accommodate the moving band which carries the cigarette paper and filler rod. (see page 3, left column, lines 33-36) Thus, the band extends over the inset 1 to carry the tobacco and the tobacco never contacts the ceramic inset. Accordingly, claim 1 is allowable over GB 629,853.

Claim 2-10 and 15 depend from claim 1 and are allowable as depending from an allowable claim.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all

Applicants: Hans-Heinrich MÜLLER et al.
Appln. No. 09/888,651

presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

A Notice of Allowance with claims 1-16 is respectfully requested.

Respectfully submitted,

Date:

10/03/02



Chad C. Anderson
Registration No. 44,505
VENABLE
P.O. Box 34385
Washington, D.C. 20043-9998
Telephone: (202) 962-4800
Telefax: (202) 962-8300

Version With Markings To Show Changes Made

In The Specification:

Page 5 replace the paragraph beginning on line 8 with the following rewritten paragraph:

Attempts to ensure that the stationary walls of the duct of the conveyor will offer relatively low resistance to sliding movement of tobacco particles therealong include the coating of such walls with a steel paneling which is coated with tungsten carbide/cobalt [linings of tungsten carbide]. This material exhibits a satisfactory resistance to wear; however, its coefficient of friction is very high so that it can affect the quality of cigarettes, e.g., in that the weights of numerous cigarettes depart considerably from an optimum or acceptable weight, and the quality of the tobacco-containing ends of the ultimate products is less than satisfactory.

In the Claims:

1. (Amended) A conveyor for flowable particulate material of the tobacco processing industry, comprising a duct defining a path for the flowable material and having walls bounding said path for direct contact with the flowable material, at least one of said walls consisting at least in part of a ceramic material.